

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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| EXXON MOBIL CORPORATION, et al. | : | |
| | : | Case No. 03 CV 12539 |
| Plaintiffs, | : | |
| | : | The Honorable Richard G. Sterns |
| -against- | : | |
| BRIMFIELD HOUSING AUTHORITY, et al. | : | |
| | : | |
| Defendants. | : | |
| ----- | x | |

STIPULATION AND ORDER

WHEREAS, a conference was held before the Honorable Shira A. Scheindlin on December 19, 2003, and the parties present stipulated on the record, inter alia, that MTBE-related actions which counsel present at the conference controlled, such as the instant action, should be stayed and transferred to Judge Scheindlin, sitting in her capacity as the assigned judge for In Re: Methyl Tertiary Butyl Ether ("MTBE") Litigation (hereinafter "MDL No. 1358"), that counsel would not oppose the issuance of a conditional transfer order by the Judicial Panel for Multidistrict Litigation (subject to and without waiving defendants' objections to federal jurisdiction);

WHEREAS, in an Order dated December 23, 2003, Judge Scheindlin, sitting in her capacity as the assigned judge for In Re: Methyl Tertiary Butyl Ether ("MTBE") Litigation (hereinafter "MDL No. 1358"), indicated that "all proceedings in the cases set forth in the attached Schedule should be stayed pending transfer to this Court sitting in its capacity as the MDL No. 1358 court." *Order* (December 23, 2003) (copy attached hereto as Exhibit 1); it is hereby

STIPULATED AND ORDERED THAT this action shall be stayed pending a decision by the Judicial Panel on Multidistrict Litigation ("JPML") as to whether that case should be transferred to the Honorable Shira A. Scheindlin in her capacity as the assigned judge for In Re: Methyl Tertiary Butyl Ether ("MTBE") Litigation (hereinafter "MDL No. 1358"), and then, upon such transfer, pending Judge Scheindlin's decision with respect to remand motions in related MTBE actions.

Dated: _____

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Dated: January 16, 2004

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Attorneys for Defendants

SO ORDERED:

The Honorable Richard G. Sterns
U.S.D.J.